

**PROCEEDINGS  
OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
SOUTH ATLANTIC STATE-FEDERAL FISHERIES  
MANAGEMENT BOARD**

**November 1, 2005  
Galloway, NJ**

**Approved February 21, 2006**

## **ATTENDANCE**

### **Board Members**

Louis Daniel, NC DMF  
William Wainwright, NC Leg. Appt.  
Robert Boyles Jr., SC DNR  
John Frampton, SC DNR  
Malcolm Rhodes, SC Gov. Appt.

Spud Woodward, GA DNR, Chair  
John Duren, GA Gov. Appt.  
Mitch Needleman, FL Leg. Appt.  
Anne Lange, NOAA Fisheries  
Columbus Brown, USFWS

### **Ad hoc State Representatives**

Ed Goldman, NJ Leg Appte.  
Proxy for Assemblyman Robert Smith  
Erling Berg, NJ Gov Appt.  
Roy Miller, DE Div Fish and Wildlife  
Bruno Vasta, MD Gov. Appt.

Jack Travelstead, VMRC  
Ernest Bowden, VMRC  
AC Carpenter, PRFC

### **Ex-Officio Members**

William Windley Jr., Atlantic Croaker Advisory Panel Chair  
Rob O'Reilly, Atlantic Croaker Technical Committee Chair

### **Staff**

Vince O'Shea  
Nancy Wallace

Toni Kerns  
Bob Beal

### **Guests**

Kyle Schick, PRFC  
Russ Allen, NJ Div Fish and Wildlife  
James Fletcher, United National Fisherman's Assoc.  
Wilson Laney, USFWS  
Jamie Geiger, USFWS  
Sean McKeon, NC Fisheries Association

Greg DiDomenico, GSSA  
Michael Doebly, RFA  
John Merriner, NMFS  
Luiz Barbieri, FL Fish and Wildlife

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## SUMMARY OF MOTIONS

**Move to approve option 2 of section 2.4.1 of Amendment 1, which would require regional management for Atlantic croaker.**

*Motion made by Dr. Daniel, second by Mr. Travelstead. Motion carries.*

**Move to approve option 2 of section 2.5 of Amendment 1, which would require a fishing mortality of  $F_{msy} = 0.39$  with a target at 75% of  $F_{msy} = 0.29$  for Atlantic croaker.**

*Motion made by Dr. Daniel, second by Mr. Carpenter. Motion carries.*

**Move to approve option 2 of section 2.5 of Amendment 1, which sets a SSB target of 28,932 MT and a threshold at 20,252 MT for the Mid-Atlantic Region.**

*Motion made by Mr. Carpenter, second by Mr. Travelstead. Motion carries.*

**Move to approve section 3.2 of Amendment 1: Technical Committee stock assessment triggers.**

*Motion made by Mr. Carpenter, second by Mr. Travelstead. Motion carries.*

**Move to approve option 1 of section 4.1 of Amendment 1: status quo.**

*Motion made by Mr. Goldman, second by Mr. Travelstead. Motion carries.*

**Move to approve option 1 of section 4.2 of Amendment 1: status quo.**

*Motion made by Mr. Carpenter, second by Mr. Boyles. Motion carries.*

**Move to recommend that the full Commission approve Amendment 1 to the Atlantic Croaker FMP as modified by the South Atlantic State/Federal Fisheries Management Board.**

*Motion by made Dr. Daniel, second by Mr. Boyles. Motion carries.*

**Move to table.**

*Motion made by Mr. Goldman, second by Mr. Travelstead. Motion carries.*

**Move to adopt an implementation date of January 1, 2006 and an annual compliance report date of July 1, 2007 and each year thereafter.**

*Motion made by Dr. Daniel, second by Mr. Duren. Motion carries.*

**Move to recommend that the full Commission approve Amendment 1 to the Atlantic Croaker Fishery Management Plan as modified by the South Atlantic State/Federal Fisheries Management Board.**

*Motion made by Dr. Daniel, second by Mr. Boyles. Motion carries with one abstention.*

**Move to approve de minimis status to Delaware and New Jersey for the red drum fishery.**

*Motion made by Mr. Boyles, second by Mr. Berg. Motion carries.*

**Move to approve the annual reporting date of July 1 for red drum compliance reports.**  
*Motion made by Mr. Boyles, second by Mr. Carpenter. Motion carries.*

**Motion to accept the Red Drum FMP Review.**  
*Motion by Mr. Carpenter, second by Mr. Goldman. Motion carries with one abstention.*

**Move to accept the Spot FMP Review.**  
*Motion made by Dr. Daniel, second by Mr. Carpenter. Motion carries with one abstention.*

**Move to accept the Spotted Seatrout FMP Review.**  
*Motion made by Mr. Carpenter, second by Mr. Frampton. Motion carries with one abstention.*

**Move to accept the Spanish Mackerel FMP Review.**  
*Motion made by Mr. Carpenter, second by Dr. Rhodes. Motion carries with one abstention.*

**Move to accept the Atlantic Croaker FMP Review.**  
*Motion made by Mr. Boyles, second by Mr. Goldman. Motion carries with one abstention.*

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION  
64<sup>th</sup> ANNUAL MEETING  
SOUTH ATLANTIC STATE-FEDERAL  
FISHERIES MANAGEMENT BOARD**

**Marriott Seaview Resort & Spa  
Galloway, New Jersey**

**November 1, 2005**

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The meeting of the South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Salon C of the Marriott Seaview Resort and Spa, Galloway, New Jersey, on Tuesday, November 1, 2005, and was called to order at 7:30 o'clock, a.m., by Chairman Spud Woodward.

**APPROVAL OF AGENDA**

CHAIRMAN SPUD WOODWARD: Well, good morning to everybody. And it is morning. I guess you figured that out. It's 7:30. And I had a few comments about my choice of time but I will make a disclaimer.

It was not my choice in time but I will live with it because the last people I want to make angry is the staff folks that support this board because you know what would happen then. And so -- that's right, we'd be meeting at 5:00 a.m. as I was just told.

But, good morning, everybody. Thank you for being here. We have got a busy agenda, speaking of which you've got it in front of you. If there are no comments or changes we will consider the **agenda accepted by consensus**.

It's going to be a busy morning. We've got a couple of hours to do it so I will ask that everybody stay on topic. We've had a couple of opportunities to look over the draft of the Croaker Plan so we really need to focus in on the most recent changes and make sure that we address those.

**APPROVAL OF PROCEEDINGS**

You've also got the proceedings from our August meeting. If there are no changes, substantial changes, to that we will also consider that **accepted by consensus**. I don't see any. Okay. All right, this is

the time we make available for public comment.

**PUBLIC COMMENT**

If there is anyone in the audience who would like to make a comment about the activities of the South Atlantic Board, please approach the public microphone and identify yourself. I don't see anybody so we are going to move right on down the agenda.

We're already to Number 5 so we're making good time. All right, with that I want to call on Rob O'Reilly who is the Croaker Technical Committee chair to give us a report.

**ATLANTIC CROAKER TECHNICAL  
COMMITTEE REPORT**

MR. ROBERT O'REILLY: Okay, thank you, Spud. And I just think I'm organized enough to tell you what happened. We did have a technical committee meeting in September specifically to look at requests by the management board on two principle items, one was the SPRs.

I think last board meeting there was some concern that the current SPRs of 69 percent may be too optimistic and that there were questions as to perhaps how flexible those were. So the technical committee did spend a little time addressing that issue.

However, the technical committee spent far more time looking at your request to establish some type of triggers for a stock assessment. As you know, the ASMFC stock assessment schedule calls for a five-year period before the next stock assessment.

And I know there were at least a couple of management board members who indicated last time that it could be that if you wait that five years -- I'm paraphrasing -- it may be a little bit late, that the stock is very dynamic and changes can happen fairly quickly.

So the technical committee undertook looking at triggers and we had quite a discussion. We had a little bit of background material from other scenarios, specifically for white sea bass where California had a system where they involved scientists and advisors to look at a suite of different measures, including landings, age composition, size composition, to really assess on an annual basis in California the status of white sea bass.

And it lent itself pretty well to our discussions with the technical committee on Atlantic croaker. And it should be in your packet, about the third page in, but you'll find the summary of the triggers.

And if you go to the next page you can see an item that says, "Relative percent change in landings" where a stock assessment will be triggered if the most recent year's commercial landings are less than 70 percent of the previous two years average landings.

Similarly, in Part B under that, under the "Relative percent change" a stock assessment will be triggered if the most recent year's recreational landings are less than 70 percent.

Recently, I asked for a little clarification from the technical committee because this issue came up in the advisory panel meeting that was held just a couple of weeks ago and I said, "Well, you know we did so much I'm not sure as to your question on the advisory panel, 'were these coupled or were these independent?'"

In other words, do you look at the recreational and commercial together or separately. And the consensus from the technical committee was the intention was really to look at them separately.

At the same time keep in mind what we're looking at for the trigger is North Carolina to New Jersey. We're looking at that Mid-Atlantic component. And this, of the list you have there of the five items, was considered as the only hard trigger to generate a stock assessment.

And a lot of the discussion focused on one of the figures you have in your document, Page 9, of your package. If you can go to Page 9, you'll see Figure 3, commercial landings/pounds of Atlantic croaker.

We started out on the landings based trigger looking at anywhere from a recent year or two recent years compared to as many as five previous years. And we talked a lot about this Figure 3 because if you notice in peak years, about 1956 or '57, the first one, the croaker have undergone some pretty dramatic stock changes in a relatively few years.

If you go three years from about 1957 or '8, I guess it is at the peak, you can see that a lot of change has already occurred. Landings have really declined quite a bit. And, also, if you look in the mid to late '70s period you have the highest landings back at that time.

But yet within a relatively short time, three years, the landings have really changed dramatically. So for that reason the technical committee felt that the best way to do a trigger was really to compare the current year to the previous two years.

And you know that would satisfy one of the board questions last time which was we want to make sure that if something occurs it doesn't occur and you haven't detected it because it's too late. And so clearly a two-year basis to compare the current year is a good measure.

The commercial landings are associated with a little bit of a dilemma because the way this is worded it says the recent year's commercial landings. Right now that's 2003. Recreational data is finalized by about August, pretty good preliminary estimates by April.

No one has the commercial data for 2004. And really this is a problem with quite a few assessments in that the commercial data lags behind quite a bit. So the technical committee did talk about that and hopes that there is some way to maybe work with National Marine Fisheries Service to have at least good preliminary data to go into this decision making.

Really, North Carolina and Virginia are the majority of the commercial landings so if need be those states which have trip ticket systems could be used as a proxy for the entire Mid-Atlantic region. But, you know that's something we can do.

And, in fact, I did look at this type of a trigger using the best available information so for the commercial fishery the average landings in 2001-2002 were 27,290,000 pounds. And the landings for 2003, which would be the most recent year, were 28.4 million pounds. So landings increased by 4.2 percent.

For the recreational fishery we did have 2004 data so it could be seen that the average landings were 10.5 million fish compared to -- and that was for 2002-2003 -- compared to 10.2 million fish in 2004. So that represents a decrease of 3.6 percent.

But, again, looking at the requirements, we're looking for landings to be about 70 percent less. And as soon as we're able to get the 2004 commercial data we can update this information for you.

Since it is preliminary and we didn't have 2004, I didn't make copies for everyone but I have a few

copies and certainly Nancy and Spud have a copy. So, the landings based trigger is what the group felt would be the premiere trigger.

However, if you look down to Item 3 in the listing you will see notes that the catch per unit effort considerations are the ones the technical committee expects to be the best trigger in the future.

And really at this time it's thought that that type of data is not quite as solid as just strictly the landings data. I know that North Carolina has presented some catch per unit effort information in the past.

Virginia has a little bit but there is some work to be done with that data before, with the effort data and information such as number of trips, days fished by gear, amount of net fished by gear. Those types of statistics are felt by the technical committee that they should supercede the landings trigger when that data is ready.

On Item 2, biological data monitoring, the technical committee did not think this could be a hard trigger but, nonetheless, there was consensus that if two of these three items were problematic it should at least signal that a stock assessment should be done.

And a little more difficult to work with in some respects, the most recent year's mean length data from the recreational fishery to the mean of the last two years and you know that's the type of information that can be looked at readily.

I did look at that and the average mean length in the recreational fishery for 2002-2003 was 11.74 inches; whereas, the mean length from the recreational fishery — and, again, this is the North Carolina to New Jersey Mid-Atlantic segment — the mean length in 2004 was 11.86 inches.

So, a trend there is a little bit of an upward trend; however, the other information may take a little bit of work getting the average weight and length from the commercial fishery. Again, I think that probably North Carolina and Virginia can do that in a fairly quick response because of the trip ticket systems.

The technical committee really didn't have time to address how significant some of the other information might be to an overall mean length and weight from the commercial fishery.

The third item, C under biological data monitoring, is the overall age composition, proportion at age. And we did have a one-day meeting so we did spend most

of the time on the landings trigger I think overall of everything we talked about.

However, concerning the age composition, it was felt that this was important. It's just that a schedule hasn't been worked out. I mean if you want to think about how to look at this I think that you would look at the catch at age from the fisheries and monitor any changes in that manner to see what were the changes, say, in a five-plus or a six-age-plus croaker.

You may also want to look at the proportion of Age 2-plus. You could do this in a number of ways. The technical committee hasn't refined this as such but certainly can. And it would be something that would be, you know, very valuable to looking at how you trigger a stock assessment.

Item 4 is the MRFSS CPUE. And I think we had some concurrence that that will be undertaken; I just can't remember who was the lucky person who volunteered. But this is something that was done for the assessment and something that will be continued.

And a lot of it is based on a nearest-neighbor approach, in other words, if you're catching croaker what are the other species you're catching and deriving an index that way.

There are also the more traditional methods where you look at a directed croaker trip which overall, through the Mid-Atlantic, is not a high value, however -- or a targeted trip, I should say -- however, if you encounter croaker and harvest croaker then that also becomes a targeted trip.

So there are a couple of ways to do that and the technical committee probably would tell me that that's one of the harder things to do as far as getting all the data and information together.

And overall I know at the technical committee meeting I stressed that what we want to do is have something that's a fairly rapid response on these triggers. We don't want it to simulate the work that goes into an assessment or even close to that because the idea is that any jurisdictional agency should be able to work on this and provide the information in a timely manner.

And really just doing the landings based trigger, you know, anyone can do that, look up the data and do that. And probably some of these others might be a little bit more detailed such as the MRFSS CPUE.

The last item on the triggers was the survey and the

technical committee will continue to monitor survey results. And it has the NMFS survey here which is certainly the longest standing but also there is SEAMAP and VIMS which the SEDAR wanted included and it was included in the assessment.

Now I think that that's just standard course to look at that information. Again, it may take a little bit more effort to get the values, the standardized values together for the NMFS survey. It is a bit of a process but nonetheless it can be done.

So, those are the triggers as developed by the technical committee. And I think it's a basis at least to provide the management board with some indication that we can monitor the status of the stock this way towards a stock assessment.

We, of course, have not gotten to the next part which would come later as to the triggers for some type of management measures. But this is the starting point, the stock assessment basis. That's what I have on triggers. I can go right into the SPR since it was a much shorter discussion if you would like.

CHAIRMAN WOODWARD: Yes, why don't you go ahead and do that.

MR. O'REILLY: Okay, the spawning potential ratios, it's a situation where, again, the management board thought perhaps the SPR of 69 percent may be optimistic and had concerns. And I think that now that you've seen what is involved with the triggers you probably also have some ability to know that, you know, since we are monitoring through this trigger process the SPR should not be a big issue.

However, the SPR is something that there is uncertainty about. And the main uncertainty about the SPRs are that the shrimp bycatch is not included in the assessment. The SEDAR advice was that for the next assessment to do runs with and without.

I know there was a considerable amount of effort undertaken by one of the technical committee representatives to try to work and derive estimates of shrimp bycatch that the technical committee ultimately said they weren't workable.

Where we go in the future, I'm not sure on the shrimp bycatch, but I suppose the next time there is an assessment, whether it's five years or earlier, there should be some movement to try and at least get some type of an index or some type of approach for the shrimp bycatch.

So that's a weak point about the SPRs. And the reason it is, is because the assessment really has a partial recruitment that's associated with various ages, zero on up, Age 0 on up. And it's very low for the zeros but if on the other hand there is an underestimation to a great degree of the amount of zeros that are being taken in the shrimp bycatch or even the scrap or bait component then that changes the PR, that changes the biological reference points and that affects the SPR.

However, in looking over the assessment information again I do see that there, you know there were sensitivity analyses done using shrimp bycatch using various methods for the bait or scrap component.

And overall there was only a 10 percent probability is what I recall that the stock was really in excess of the threshold. So, you know in a situation where you're looking at anywhere from 0 to 100 percent you know that's really pretty good for most of the information that comes out of assessments.

The scrap and bait component, if you're not familiar with that, it was a much larger component in times past than let's say in the early '90s forward. But the assessment going back to 1973 there were times when regulations were not as stringent as probably today with other fisheries.

I know in the document there is information about weakfish and how indirectly that has impacted croaker, both in the bait component because some of the fisheries involved with weakfish and croaker on the inside fisheries such as the long haul and the pound net in North Carolina or the pound net and the haul seine in Virginia, they have shown pretty dramatic declines since the time period when bait and scrap was a fairly large component of the landings.

So, although modern day, say the last 10 years, worth of bait in the landings is rather low, still the assessment is going back to 1973 and the estimates we have were better for North Carolina than Virginia. North Carolina had a gap in the '80s where there had to be some estimations done.

Virginia was tasked with coming up with an approach to estimate the bait landings in its fisheries by way of size composition from a sampling program. The only other avenue was to assume that the ratio of bait to landings in North Carolina also applied to Virginia.

And that was a tremendous overestimate so what

were left for Virginia is an underestimate of unknown magnitude; whether it's first order or not, it's hard to say. But these two components do weigh on the SPR.

They do weigh on the biological reference points but, again, not to the extent where if the fishing mortality rate, the mean fishing mortality rate, is .11 and you know a target right now is .29 there is certainly a great amount of distance there that the technical committee feels covers any inadequacies of having those mostly Age 0 fish included.

And there are probably a few extra pieces of information I've added. We had one conversation with the technical committee who could not be present at our meeting. But all considered the SPRs didn't get a great amount of attention at the technical committee. I've also canvassed a few other folks to get information and I think that that's really the most we have right now.

CHAIRMAN WOODWARD: Thank you, Rob, we really appreciate the effort that you've made and as well as the technical committee. I know everybody on that committee has got a fulltime job and doing lots of other things so we really appreciate it. Questions for Rob on the activities of the committee. Roy.

MR. ROY MILLER: Rob, concerning using the NMFS offshore survey to track stock ups and downs, not being familiar with that database in regard to croaker, does it track pretty well the abundance of croaker?

Because, as you know well, there are some questions concerning the ability of that survey to accurately track weakfish abundance because it is sending a conflicting signal on weakfish in comparison to MRFSS estimates and other indicators of weakfish stock abundance.

So I just am curious whether it tracks croaker abundance pretty well or is it too hit or miss? And if it's hit or miss then I wonder if perhaps some of the individual state surveys might be useful to supplement the NMFS survey results, surveys like Jersey's and Delaware trawl surveys and so on.

MR. O'REILLY: I think you're right. I think there is variability in its ability to track and probably does a better job on the younger aged croaker. At the same time, the SEAMAP also will be tracked and the VIMS survey, because that was one that the SEDAR specifically wanted the technical

committee to add.

Overall the surveys are an auxiliary method. When they're outside the model framework there is a lot more variability I think. When you use the statistical model you know that sort of reaches the solution.

So the combination of the indices and the model is probably a better approach than just using this as a, more than just an auxiliary trigger. And it's just to keep track of, I think, large changes.

If you look at the NMFS survey you can see it has been fairly high in recent years overall but there certainly are some ups and downs. So I think you're right about that. And the state surveys, there is no reason why we shouldn't look at all the surveys. And I believe the technical committee would anyway.

I think with weakfish and with croaker what you find is sort of a, some discontinuities even from adjacent state surveys and that's just, you know that's just the situation. So we'll look at everything.

CHAIRMAN WOODWARD: Ed.

MR. EDWARD GOLDMAN: Yes, thank you. I had a question in the beginning when you spoke about the commercial landings and the big spike, especially in the '50s -- and I don't think we'll be able to answer this because I don't think any of us were, you know, I was around but I wasn't quite in the fishing world then -- but what I was wondering is our fishermen up here will target croakers as an opportunistic thing.

If weakfish are here in abundance they'd rather go for the weakfish. But if there are not weakfish, then croaker will do just fine. And it really has helped us out but I was looking at this last recent spike where it shows the catch, commercial catch going up and I was just wondering if that could be a function of the fact that the weakfish weren't there and they were just targeting them more. Thank you.

MR. O'REILLY: I think that probably is. I think especially when you look at the South Atlantic fishery, North Carolina and also in Virginia. But at the same time what I thought you were going to ask me was the reliability of the commercial landings.

And I think in a way you are because it's a little bit based on how the fishery operates what it's choices are. And that is why if you look at the, sort of the decision document the technical committee put together for triggers, Item 3, effort versus landings,

the technical committee by far would rather have that to look at because that would account for those times where there was variability in the fishery itself, the way it operated, a CPUE basis.

CHAIRMAN WOODWARD: Any other questions for Rob? Louis.

DR. LOUIS DANIEL: Just a couple of comments, Rob, and then just to see if you guys had some discussion on these issues out there. I certainly think the market conditions right now are ripe for croaker.

There is a consistent market and that's why the fishermen have been directing on them versus weakfish in some instances. I think a lot of the targets, triggers, et cetera, are used, are based on the northern group because the southern group we just don't have the information on.

And I think that's an important thing that we need to keep looking at. But the shrimp discards, then, would only be, in this assessment would only really pertain to North Carolina. But I think it still makes for an optimistic assessment, the failure to account for those.

Did the technical committee, though, have any discussion? I look at Figure 3 and I see that right now we're at kind of all-time high landings and it has stayed up there for probably as long as it has in history.

And the anecdotal reports are that it has stayed high for the longest period that most folks can remember. You know, I anticipate a downward cycle here soon. And did the technical committee have any discussions about that?

Do you feel like the triggers will take into account some of the natural variability that I think exists in this landings trend? And that's the, I'm just concerned that we're going to get in a weakfish situation here.

We're going to start to see a decline; we're going to start to see a truncation in the geographic range and we're going to feel like we need to put in measures to restore that when it's sort of an unusual circumstance.

MR. O'REILLY: I think the technical committee did discuss that because a lot of emphasis was placed on putting figures up on the board, projecting figures to look at, data to look at. And really this figure was pivotal in deciding to go from

what we started out was a five-year period, look at the current year or recent year landings compared to five years and bring it down to two years.

And the basis for that were the past trends. And everyone would have loved that extra bit of information, not from a fishery perspective but at least to have one more indication of how quickly this stock can change. But we don't have that yet. As you say, we have a sort of a plateau of high landings since 1996.

But the other part of that I think is, to your comment really, is that you know the catch per unit effort is critical because if there is a market based approach here with the fishery to any extent we want to make sure that if there is sort of an abrupt downturn that it's you know not driven by the change in the fishery itself and that it really is a stock status situation.

So, I think the CPUE data once that is available it will help that situation. But regardless, I mean it's not bad to have to do a stock assessment in less than five years under any considerations.

And it's at that time that probably you get to the next situation, the results of the stock assessment. And we would hope we would have some estimate of the North Carolina shrimp bycatch included and a better handle on the scrap or bait component and then at that time be able to take the next step if necessary which would be triggers for management measures.

CHAIRMAN WOODWARD: Any other questions? Come to the public microphone please, sir, and just keep it real brief because we need to keep moving.

MR. JAMES FLETCHER: James Fletcher, United National Fisherman's Association. Dr. O'Reilly, have you taken into consideration the changes in the other rules, looking at this drop in 1992 was a 5.5 inch tailbag; the landings in Virginia from the commercial fleet on croakers were affected by Virginia's landing rules on weakfish.

But I have a problem that we're talking about tying this to commercial landings when the conditions at Oregon Inlet for the last two years have almost stopped the landings because of the price. But on the upside of it, to increase the landings two of the major processors have doubled their freezing capacities for exports.

And if you use the landings as a reason to redo the stock assessment, just for example, if Virginia would

lessen their landings on weakfish so that the fish could be landed last year there would have been a tremendous more landings of the ocean fishery in Virginia because of the conditions at Oregon Inlet.

But now with the conditions at Hatteras Inlet and Oregon Inlet deteriorating, I'm afraid if we do it with landings we're going to see a definite decrease in landings commercially and it's going to trigger something that really doesn't need to be done.

And the other thing of it is if you look at these cyclical periods and tie it into 143 moons and 240 moons, perhaps the technical committee could start looking at these cyclical periods rather than in years but to align up with the phases of the moon they would understand more of what is going on and what is causing the cycles. Thank you.

Mr. O'REILLY: Yes, I think a lot of that probably has been looked at and Nancy Wallace I know requested all information related to indirect affects on croaker from other management measures, including weakfish.

I don't remember the tailbag? It was in there? Okay. But overall, Mr. Fletcher, I guess the idea would be it's really not bad to promote a stock assessment. It's difficult for everyone to do one, ASMFC and the states to have to do stock assessments because there are a lot of species involved.

But the landings are really a gross indicator and that's why if landings decline and they're 70 percent of what they were two years prior, it says you need at stock assessment. But I think the other aspects are looked at as well, of the stock. And I think that's the most important part.

CHAIRMAN WOODWARD: Okay, we need to move on. Thank you again, Rob, for being here with us and thank you for your efforts. We will deal with the recommendations of the technical committee when we get down to Agenda Item 8 and the suite of other options we need to consider. At this time I want to ask Nancy Wallace to give us a report on the public comment.

**REVIEW PUBLIC COMMENT OF  
AMENDMENT 1 TO THE ATLANTIC  
CROAKER FMP**

MS. NANCY E. WALLACE: Thank you. I'm going to move into the Atlantic Croaker Draft Amendment 1 public comment summary. We had five public hearings that were held in I think four

different states -- New Jersey held two public hearings -- with a total of 46 participants.

That number is a little bit skewed because in New Jersey they combined the croaker hearings with the weakfish hearings and I believe a lot of participants were out for weakfish. In most of the states where we went it was about two to three people per hearing.

The hearings were held between September 26<sup>th</sup> and October 13<sup>th</sup>, 2005. The first hearing was in Annapolis, Maryland. One person was concerned over the croaker bycatch in crab pots and possibly in the menhaden fishery. One person felt that any changes in recreational size or possession limits should be paralleled with restrictions in the commercial fishery and thought a 25 fish bag limit would be appropriate.

The second hearing was in Newport New, Virginia. One person felt that any recreational bag or size limit should be coupled with a commercial quota. One person felt the recreational fishery was inaccurately described in Amendment 1.

He felt that the directed, there was a directed recreational fishery for Atlantic croaker in Virginia and that was not characterized correctly in the plan. And this person was also on the Croaker AP and he, Bill Windley will go through that report so there might be some more about that.

One person was also against a minimum size limit because croaker is used as a bait fish. This came up frequently in the comments. And one person felt that management should be split by region; it should be regional management.

The next hearing was in Manteo, North Carolina. One person felt that the habitat section was lacking detail and there should be a more thorough analysis for Atlantic croaker. This has been updated since that last draft which I'll go through in a moment.

One person supported regional management for Atlantic croaker. One person wanted more information from the technical committee on why croaker abundance appears to be cyclical over time. And one person thought that no management will help for croaker, especially in the northern fringes of the range, and these fish will eventually disappear and that will be part of the natural cycle.

Continuing on with Manteo, North Carolina, two people said that bag and size limits are not needed because croaker is market drive, the catch is market

driven. One person said that triggers for management should be gradual, meaning not severe imitations all at once.

One person said that size limits are not appropriate for the commercial fishery because it's a large volume fishery. And one person said that if there is a decline in landings we should look at the market; it might have absolutely nothing to do with the stock status of croaker.

The next hearing was in Colonial Beach, Virginia. One person was in favor of keeping track of the spawning stock biomass and fishing mortality and instituting the reference points that the technical committee has recommended in the amendment.

One person felt that the Atlantic States Marine Fisheries Commission should do something appropriate for the management, whatever that may be, of Atlantic croaker and at least have a standard to go back to, so kind of monitor the stock status and have a standard baseline to go back to.

The next hearing was in Cape May, New Jersey. ASMFC staff was not at this hearing. New Jersey staff took care of this and we want to thank them for that. All the comments favored the option of status quo in regards to recreational and commercial fishery management measures, meaning no coast-wide standards.

Recreational fishermen were concerned if size limits were put in place it would lead to discard mortality. They say croaker seem to have high periods of abundance followed by periods of scarcity. It might have nothing to do with fishing.

Most of the speakers indicated that croaker should be managed in a liberal manner, meaning no size or bag limits were necessary. And one person was supportive of using targets and thresholds to manage croaker while another person was against any mandatory monitoring requirements.

And the last hearing was in Toms River, New Jersey, and one person spoke representing the Jersey Coast Angler's Association and he supported the status quo alternative with no bag or size limits, bag or season or size limits and if at some point there is a justifiable need to control the catch, then the commission needs to come back to the public with those alternatives. That was the public hearing summaries and all the feedback we got at the hearings.

The written public comment summary, a total of six

written comments -- I believe that's actually a mistake; we have seven. I believe there is one that didn't get included. The public comment period ended October 27<sup>th</sup>. As you know it's now November 1<sup>st</sup> so there wasn't a lot of turnaround time.

I sent out in the last mailing the written comment summaries that we had received so far and what I've done today is pass out that summary as well as the three additional comments we received kind of right at the end and I'll go through those in my presentation. I think it was from the North Carolina Marine Fisheries Commission, RFA, and there was an e-mail that was passed out. So, you should have all of those now.

The regional versus coast-wide management, the CCA and CCA Maryland support regional management. They suggest that the ASMFC include changing the regional areas definitions into the adaptive management section, which we actually do have. And the RFA also supports regional management.

The biological reference points, CCA and CCA Maryland support using the TC's recommended fishing mortality target and threshold and the spawning stock biomass target and threshold for the Mid-Atlantic region.

And they urge the ASMFC to develop targets and thresholds in the southern portion of the range as soon as possible. RFA believes the target and threshold should be established in order to prevent overfishing and serve as a buffer when stocks enter their natural cycle of lower abundance.

The North Carolina Marine Fisheries Commission supports the use of reference points; however, they feel the amendment proposes targets and thresholds which are too conservative and may become problematic given the life history and cyclical nature of Atlantic croaker.

The recreational fisheries management, CCA and CCA Maryland support Option 2 which establishes coast-wide standards. They ask the ASMFC to explore minimum sizes to allow croaker to spawn at least once as long as the same minimum size is applied to the commercial fishery as well. They would support a 25-fish bag limit as long as a total allowable catch was applied to the commercial fishery.

RFA supports Option 1, no new restrictions on the

recreational fishery. RFA notes that the technical committee did not make any recommendations regarding the establishment of minimum size or bag limits and the ability to use croaker as live bait would be eliminated if a size limit of 8 inches or greater was implemented.

The North Carolina Marine Fishery Commission believes that a size limit would impact recreational fishermen who use croaker for live bait.

Commercial fisheries management, CCA and CCA Maryland support Option 2, establish coast-wide standards. They asked the ASMFC to explore minimum size limits for croaker to spawn at least once and a total allowable catch to help modify the dramatic, as they call, boom and bust cycle the croaker fishery has experienced in the past.

The North Carolina Marine Fisheries Commission sees no need for a size limit on Atlantic croaker. Size limits would increase discards in the commercial fishery and market conditions already constrain the amount of fish brought to the dock daily.

And some other comments not specifically related to options in the amendment, the North Carolina Marine Fisheries Commission would like to see existing state measures maintained: BRDs in all shrimp trawls, use of escape panels in long haul seines, a minimum mesh requirement of 1-1/5 inches in the tailback for shrimp trawls and the limits of incidental take of finfish in shrimp and crab trawls.

CCA and CCA Maryland are concerned about the status of the southern portion of the croaker population. They believe the ASMFC should begin to examine potential management measures to restore this portion of the population.

RFA requests that the term "overfished" be stricken from the document and replaced with "depleted." Due to the natural cyclical nature of the abundance of this fishery RFA believes that depleted is a more scientifically accurate and neutral term than overfished.

One person felt when setting minimum harvest size restrictions to address the right of private producers to support the sale of Atlantic croaker and the right of resale bait shops to sell as bait from licensed aquaculturists that would otherwise be considered undersized. And he recommended this in all ASMFC plans.

One person felt that limits proportioned to conditions

and a monitoring of species is called for. And that is all the comments that we received on Atlantic croaker. I'd also like to at this time call your attention.

During the, on the briefing CD I sent out the new version of the draft amendment and there have been a few updates since the last time we met. At the last board meeting you asked staff to revise some sections of the amendment and I'm hoping you had a chance to look through those.

Just to go over them, we updated the habitat section. At the last meeting you may recall that the Habitat Committee was not satisfied with the habitat section we had at that time.

We got some great feedback from members of the Croaker Habitat -- not Croaker Habitat, Habitat Committee as well as Anthony Overton I believe at East Carolina State. And Julie Nygard our Habitat Coordinator did some work on it. So that's, the new version is in the draft amendment that you have before you.

We also, Section 2.5, we included a discussion on SPRs of Atlantic croaker that Rob just went over from the technical committee. We put that in the amendment. And the triggers for conducting a stock assessment, we included that in the amendment as well.

And we updated Section 3.5 which is the monitoring programs. At the last board meeting some members of the board had some additional monitoring requirements that they wanted to see, monitoring recommendations I should say, in the plan.

We went back to the technical committee and they updated those. So hopefully you've had a chance to look through the updated draft amendment before we go through all the options. And if you have any questions I'll be happy to answer them.

CHAIRMAN WOODWARD: Any questions for Nancy? A.C.

MR. A.C. CARPENTER: Good morning. Did you say it was Section 3.5 that had to do with the monitoring?

MS. WALLACE: I did but let me double check that.

MR. CARPENTER: Or 3.4?

MS. WALLACE: That would actually be Section 3.3, Page 28.

MR. CARPENTER: I must have an older version.

MS. WALLACE: Let me get staff to pass some of those out. They're on the back table.

CHAIRMAN WOODWARD: Any other questions for Nancy about the public meetings or the public comment? And, A.C., if you see something we need to go back to, we will. But right now I want to ask Bill Windley to give us a report on our Atlantic Croaker Advisory Panel.

### **ATLANTIC CROAKER ADVISORY PANEL REPORT**

MR. WILLIAM WINDLEY JR.: Thank you. I'd like to thank Gene Doebley, a representative on the AP from New Jersey and the vice chair, for handling this meeting. I was unavoidably unable to be there and thank Nancy and Gene for filling me in so that I was able to give you a report.

Most of what this report covers Rob has gone over in terms of concerns that the AP had and concerns that the general public had and the technical committee had. Most of them centered around the available data so I'm just going to sort of paraphrase.

The AP met on October the 18<sup>th</sup> in Baltimore. Nancy Wallace gave a presentation on the draft amendment to the AP and on the public comment. On Issue 1 the AP supports regional management until it can be shown that there is mixing in the stock.

We are aware, however, that the data on the southern end of the range is minimal at best and so in order to make determinations there the data will have to be, you know, the available data will have to be improved.

We also are in agreement with the technical committee on mortality and spawning stock biomass. As far as management goes the AP supports the status quo, no coast-wide management measures restricting harvest of croaker in the Mid-Atlantic region.

In the South Atlantic they support implementing appropriate management measures to rebuild the stock. The AP would not support any management measures on the recreational fishery without a cap on the commercial fishery.

The AP supports the status quo option, no management restricting harvest of Atlantic croaker in the Mid-Atlantic region. The AP recommended that any management measures for the commercial fishery should be a harvest cap or quota not size or bag to avoid bycatch.

Species currently has significant commercial landings of over a million pounds in Virginia, North Carolina, and New Jersey is the language currently used. They suggested that it might be changed to the species currently has significant commercial landings of over ten million pounds in Virginia and North Carolina and over a million pounds in Maryland and New Jersey.

Once again we're concerned about the available data and statistics and recommend improving the available data. And we had concerns, too, about the difficulty in teasing out the croaker element of bycatch in Virginia's trash fish fishery.

The following research initiatives, other than adding to the data were: to evaluate bycatch and discard estimates from the commercial and recreational fisheries, primarily the shrimp fishery; and to produce a general fishery independent index using state survey information; and develop a coast-wide and/or a regional CPUE index.

The AP wanted to stress the importance of recognizing that there is a problem in the South Atlantic with croaker and research needs to be conducted. They also recommended examining otolith microchemistry data available and expand the research to cover the species through the Atlantic range with the hope of understanding the relationship between Age 0 and Age 2 migratory patterns.

The desire was to have the studies completed in advance of the requirements for future management measures so that they can be recognized if appropriate. That's a bit of a summary but you have the document and, like I say, most of the AP's concerns and recommendations fell right along the lines of the technical committee.

CHAIRMAN WOODWARD: Any questions for Bill? Bill, thank you for that report. We do appreciate it. We appreciate the efforts of our advisory panel. It's always very important to have that input and sort of that reality check. We very much appreciate it.

All right, we're going to move on to our next agenda

item which is a review of options in Amendment 1 and the action on those options. And Nancy is going to walk us through this process. We're going to have to deal with several actions and so we'll just take them one at a time.

We will get through them. But a lot of this is nothing new. You've heard the background information from the technical committee; you've heard our advisory panel input; you've heard the public input. We've talked about a lot of these in the past so hopefully we can move on through this. Nancy.

#### **REVIEW OPTIONS AND TAKE ACTION OF AMENDMENT 1**

MS. WALLACE: Thank you. The way we'll walk through this document is there is about six different options included in the plan, different sections that the board needs to make a decision on how to include in the plan, so we'll walk through each of those and then at the end make a final motion to send this to the full commission for approval.

So the first section or issue that the board needs to make a decision on is Section 2.4.1 which is the regional or coast-wide management. And the options are: Option 1 is coast-wide management, any management regulations implemented would occur on a coast-wide basis in the management unit from Florida through New Jersey; and Option 2 is regional management which would be split at the North Carolina/South Carolina border.

The stock assessment is divided into South Atlantic, Florida to North Carolina and a South Carolina border component and a Mid-Atlantic component which is North Carolina/South Carolina border and north to New Jersey. So using regional management the two components could be managed separately.

CHAIRMAN WOODWARD: Okay, I would entertain a motion on that if we're ready. Louis.

**DR. DANIEL: I move Option 2.**

CHAIRMAN WOODWARD: Do I have a second? Second from Jack Travelstead. Okay, discussion on the motion. I like that. Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman, sorry. Is there any distinct advantage in going with the Option 2 over 1? Is it easier to implement?

CHAIRMAN WOODWARD: Well, I don't know that it's necessarily "easier" other than I think it's more realistic, that we are obviously dealing with a stock that is functionally divided. And it presents us challenges in terms of collecting sufficient data to assess it on a regional basis.

But obviously we don't need to apply a management prescription coast-wide if it's not appropriate for another part of the range of the species. And if the maker of the motion or the seconder of the motion would like to elaborate on that, please do. Louis.

DR. DANIEL: Well, and just, Bruno, also the split was done based on data availability. Really what we'd need to focus on is maybe south of Hatteras which tends to be the more universal split area for many of these South Atlantic-Mid-Atlantic species.

I think as we move forward we may be able to get to that point. But I agree with the chair in that regional management seems to be the most appropriate way to go.

CHAIRMAN WOODWARD: Any other questions or comments on the motion? If not, all those in favor. Joe, read the motion? All right. The motion is, actually I believe we need to say it is moved to approve Option 2 of Section 2.4.1 of Amendment 1 which would require regional management of Atlantic croaker. All those in favor of the motion signify by saying aye; opposed, nay; abstentions. The motion carries. All right, Nancy.

MS. WALLACE: Okay, the next issue is choosing a fishing mortality rate target and threshold, Section 2.5. Option 1 is status quo. Currently there is not a fishing mortality rate target or threshold for Atlantic croaker.

Option 2 would be to use the technical committee recommended fishing mortality rate target and threshold for the Mid-Atlantic region. This option would set a fishing mortality threshold of Fmsy at .39 with a target at 75 percent of Fmsy, which equals .29.

CHAIRMAN WOODWARD: Okay, the chair will entertain a motion on this topic. And he is greeted with silence.

**DR. DANIEL: I move Option 2.**

CHAIRMAN WOODWARD: Okay, do we have a second for Option 2? A.C. Carpenter. Discussion on the motion. Any discussion,

questions, clarification? Louis.

DR. DANIEL: Thank you, Mr. Chairman, yes, I'm comfortable with this at this point. I think we need to take into consideration that landings really aren't a gross indicator of stock status. That is something we can look at if we start to see the landings decline, then we can start looking at the triggers that the technical committee has recommended and I agree with and that is the size distribution and the age distribution, et cetera.

This may be over-precautionary right now but I think at the current level of the stock, at .11, that this seems to be a reasonable approach.

CHAIRMAN WOODWARD: Thank you for your clarification on your support of the motion. Any questions for Louis? If not I'll call the question. All those in favor -- I know, Joe. You'll get me trained eventually. Hold on.

Everybody take a deep breath. I know I'm setting a fast pace for you all so just relax. All right, the motion is move to approve Option 2 of Section 2.5 of Amendment 1 which would require a fishing mortality of Fmsy equals 0.39 of a target at 75 percent of Fmsy of 0.29 for Atlantic croaker.

Last chance. A.C. Okay, never mind. All those in favor of the motion as stated signify by saying aye; opposed, nay; abstentions. Thank you very much. The motion carried.

MS. WALLACE: Okay, the next issue is also in Section 2.5 and that is to choose a spawning stock biomass target and threshold level. Option 1 is status quo. Currently there is not a spawning stock biomass target or threshold for Atlantic croaker.

Option 2 is to use the technical committee recommended spawning stock biomass target and threshold for the Mid-Atlantic region. This option would set a spawning stock target at SSBmsy of 28,932 metric tons and the threshold at 70 percent of SSBmsy of 20,252 metric tons.

And if you are looking at the document you will notice that there is a typo where the target and threshold are set at the same number. We have noticed that and corrected it so what I just said of 20,252 and I'm going to give that to Toni to put up on the board if there is a motion made.

CHAIRMAN WOODWARD: Okay, I'll entertain a motion from the board. A.C.

MR. CARPENTER: **Move the adoption of Option 2.**

CHAIRMAN WOODWARD: Do I have a second? Second? Who seconded that? Jack, second by Jack Travelstead. Okay, we'll get the motion up on the board. Any discussion, questions? Robert.

MR. ROBERT H. BOYLES, JR.: Yes, thank you, Mr. Chairman. You'll have to forgive my ignorance here. Based on what we just approved, the very first motion, how does this relate? Is this the threshold for the Mid-Atlantic or is this what we are setting basically for both regions?

CHAIRMAN WOODWARD: My understanding is I guess we are -- or, A.C. would you like to --

MR. CARPENTER: I told him it was just for South Carolina, but --

CHAIRMAN WOODWARD: Talking about raising the bar high. You're going to have to get busy down there I guess. The question was asked, Nancy, about this unit of measure as applied to the Mid-Atlantic versus the coast.

MS. WALLACE: This would only be applied to the Mid-Atlantic. We don't have -- these reference points that the technical committee recommended are only for the Mid-Atlantic.

CHAIRMAN WOODWARD: Okay, I'm going to read the motion. Moved to approve Option 2 of Section 2.5 of Amendment 1 which sets a SSB target of 28,932 metric tons and a threshold at 201,252 metric tons for the Mid-Atlantic -- 20,000 I think that is, isn't it?

Let me start all over again, Joe, okay? I thought that was a little high. Move to approve Option 2 of Section 2.5 of Amendment 1 which sets an SSB target of 28,932 metric tons and a threshold at 20,252 metric tons for the Mid-Atlantic region.

Any other questions, comments on the motion? If not I'll call the question. All those in favor of the motion as read signify by saying aye; opposed, nay; abstentions. The motion carries. Nancy.

MS. WALLACE: The next issue that the board needs to decide on is the triggers that the technical committee put together today. In my document it's Section 3.2, assessment of spawning

stock biomass and fishing mortality targets and thresholds.

It's right from the technical committee report so if you have that in front of you it's what Rob went through today and that would be included, that those triggers would set a, would start a stock assessment. They wouldn't be management triggers; they would be to develop a full stock assessment before the five-year review.

CHAIRMAN WOODWARD: Okay, has everybody got that in front of them? Does everybody understand from Rob's presentation what we're dealing with here? I'll entertain a motion on this issue. A question? Yes, I'll entertain a question.

MR. CARPENTER: How does this work into the work plan of the commission? I know that we've got a five-year cycle and this is calling for I guess a new one or an immediate one and my only question is how does that work into the cycle of the work plan that we've already got?

CHAIRMAN WOODWARD: I'll let Nancy answer that.

MS. WALLACE: The way that would work is the technical committee would meet on an annual basis to review all these triggers. We would assign a different technical committee staff person to look at each of these different ones so hopefully not too much of a workload on any person.

They would meet once a year, go over all these triggers. If these triggers are set then they would be required to come back to the management board and say we would like to do a full assessment.

They can also, if the triggers are not set but look at some of these other soft triggers say, you know what, something doesn't look right; we'd like to do a full assessment to take a better look at how the Atlantic croaker stock is doing, come to the management board and say, we would like to do an assessment.

It would be up to the management board to say yes, go ahead and do that and it would be up before the five years. So it would be an increase in workload; however, it would only be done if it looks like there is a problem.

MR. CARPENTER: Thank you. In that case I'll **move the adoption of that section, 3.2, of the document.**

CHAIRMAN WOODWARD: Okay, do we have a second to the motion? Jack Travelstead seconded the motion. Okay, if we can get it up on the board I'll read this one while you think it over. Okay, the motion is to approve Section 3.2 of Amendment 1 which would require an assessment, an evaluation, based on landings triggers in both the commercial and recreational fishery. Questions, comments, on the motion. Louis.

DR. DANIEL: Yes, Mr. Chairman, my understanding of 3.2 is a little different than what you just said, that the technical committee has recommended this set of triggers that include a lot of the biological monitoring information as well as the commercial landings data and that if we hit a series of triggers and there seems to be some consistency in those triggers being hit and met, the technical committee can come back to the board, suggest that we move forward with an updated assessment. Is that?

CHAIRMAN WOODWARD: You are correct. I just gave you the abbreviated version but, yes, the full content of 3.2 would be included. Roy.

MR. MILLER: Thank you, Mr. Chairman, I just want to make sure I understand the implications of approval of 3.2 in its entirety. If the trigger is met for a stock assessment based on commercial landings or recreational landings or both, do the biological data monitoring components then become mandatory?

In other words, if a state is not presently assessing length and weight data from the commercial fishery on the state level, does that then become mandatory?

CHAIRMAN WOODWARD: I don't understand that to be the case out of that section. I don't think that there is anything in there that would require a mandatory data collection element.

Obviously, it would be, you know we would want to get all available data that was out there but we obviously couldn't go back and force anybody to get something retroactively. That's my understanding. And, Rob, if you would like to elaborate on that.

MR. O'REILLY: I think that's correct. The biological data would really be a way for the technical committee to have more information for the management board. The landings are meant as the hard trigger and the others are meant to, at least the way the technical committee talked about it was for the biological data if there are some problems there

then the board should know about it and could ask for a stock assessment.

But it doesn't indicate that there should be mandates for collections but they sure would be appreciated, you know, any type of information. You have a commercial fishery which is centered in just a few states and the recreational fishery, I mean since we're only talking North Carolina through New Jersey, you know I think any type of information is an asset.

But, you know, the assessment right now goes back to 1973 so that's something the board should look at. I mean maybe that's a question that if we do jump to a stock assessment before five years perhaps the management board would then ask the technical committee what else do you need, you know what might you need from Delaware that you don't already have, what might you need from New Jersey that you don't already have.

CHAIRMAN WOODWARD: Roy, does that address your concerns?

MR. MILLER: Yes, my concern was what would become mandatory and I think you laid it out that they're not necessarily triggering any mandatory actions on the part of the states to gather additional data but that it will be reconsidered when the time comes. Is that a fair summary?

CHAIRMAN WOODWARD: Yes, that's my interpretation of it.

MR. MILLER: Thank you.

CHAIRMAN WOODWARD: Any other questions or comments about the motion? If not, all those in favor of the motion, please signify by saying aye; opposed, nay; abstentions. The motion carries. All right, Nancy.

MS. WALLACE: Okay, the next section for the board to discuss is Section 4.1 which are recreational fishery's management measures. Option 1 is status quo which would be no coast-wide ASMFC management measures restricting the recreational harvest of Atlantic croaker.

You have decided to go with a regional approach so I think this option shifts a little bit into saying in both regions or either region that there would be no ASMFC restrictions on the harvest of Atlantic croaker for the recreational fishery.

Option 2 is to establish coast-wide standards, institute

appropriate bag and size limits for Atlantic croaker among the states. Again, you switched to regional management so that would kind of be shifted into the regions.

CHAIRMAN WOODWARD: Okay, Ed.

MR. GOLDMAN: Yes, I'd like to make a **motion that we go with Option 1, regional, no new restrictions on the recreational fishery.**

CHAIRMAN WOODWARD: Okay, I have a motion by Ed Goldman. Do we have a second? Jack Travelstead. Okay, we'll get the motion up on the board. The motion is to approve Option 1 of Section 4.1 of Amendment 1 which would be status quo, no coast-wide management measures in the recreational fishery for Atlantic croaker. Questions, comments. A.C.

MR. CARPENTER: The question I've got deals with the future. If we adopt this we're still able under 4.6.2 to come back later and establish seasons, creel limits and that kind of thing through an addendum process without having to go through the complete amendment process, is that correct?

MS. WALLACE: Definitely.

MR. CARPENTER: Thank you.

CHAIRMAN WOODWARD: Yes, I know that's something that we discussed in some of the earlier meetings and everybody wanted that to be clarified. Does everybody understand that? Does anybody have any questions about that?

Any other comments, questions about the motion? If not, all those in favor of the motion signify by saying aye; all those opposed, nay; abstentions. The motion carries. Okay, Nancy.

MS. WALLACE: The next section is Section 4.2, commercial fishery's management measures. Option 1 is status quo, no coast-wide ASMFC management measures restricting the commercial harvest of Atlantic croaker.

Option 2 is to establish coast-wide standards. The same applies if at any point the board wants to go back and do an addendum those are through adaptive management and can be done.

CHAIRMAN WOODWARD: Okay, A.C.

MR. CARPENTER: **Move the adoption of**

**Option 1.**

CHAIRMAN WOODWARD: Okay, we have a motion. Do we have a second to the motion? Robert Boyles of South Carolina, seconded the motion. The motion is to approve Option 1 of Section 4.2 of Amendment 1 which is status quo, no coast-wide ASMFC management measures restricting the commercial harvest of Atlantic croaker. Any questions, comments on the motion? Louis.

DR. DANIEL: Just a comment, Mr. Chairman, it goes back to A.C.'s earlier comment about being able to adapt through an addendum process with the various measures and just stating that I think that the current management measures in place that affect croaker are important that they stay in place.

And if somehow some of these measures like bycatch reduction devices or minimum mesh sizes, et cetera, change through other plans we may need to come back and address them to continue the protection of croaker.

CHAIRMAN WOODWARD: Thank you for that clarification. Roy.

MR. MILLER: Louis just triggered something in my mind in regard to the recreational measures. We approved the option for no recreational measures, size or creel limits. I'm concerned about our state and other jurisdictions that have existing recreational measures.

Could some statement be incorporated to prevent backsliding or something of that nature or liberalization as a result of the passage of this particular amendment?

MS. WALLACE: Well, that was actually taken up at previous board meetings. We did include in previous drafts of this amendment to include an option to say no relaxation of current management measures for states that do have bag and size limits and the consensus of the board was to remove that option, to not penalize states for having been more conservative all along. So that would stay up to the individual states if they wanted to keep measures that are more conservative in place.

CHAIRMAN WOODWARD: A.C.

MR. CARPENTER: I think the ISFMP charter clearly states that all states can be more

restrictive than a management plan and maybe to Roy's point maybe just a statement in here someplace that states are encouraged to maintain their current regulations pending the outcome of some future stock assessment.

CHAIRMAN WOODWARD: Yes, Roy.

MR. MILLER: Such a statement would be helpful to me if there is ever a challenge to our existing regulations. Thank you.

CHAIRMAN WOODWARD: Any concerns or comments from the board about giving the staff a little license to put something like that in there to that effect? I mean we are in the same situation you are in. We are one of the few states that actually have a bag and size limit and obviously it would help us if we you know were to deal with a challenge to that. If not, we'll let staff handle that.

MS. WALLACE: Staff can put that in, a statement to that effect in.

CHAIRMAN WOODWARD: All right, I think we have gone through the laundry list. Sorry, never mind. Okay, you've got a motion before you. Any other questions? If not, all those in favor of the motion signify by saying aye; opposed, nay; abstentions. The motion carries. Okay, now we're through the laundry list. Okay, Louis.

DR. DANIEL: You want a motion to wrap it up?

CHAIRMAN WOODWARD: That would be wonderful.

**DR. DANIEL: I'll move that the South Atlantic Board recommend that the full commission approve Amendment 1 to the Atlantic Croaker FMP as modified by the South Atlantic Federal Fisheries Management Board.**

CHAIRMAN WOODWARD: Do I have a second to the motion? Robert Boyles. Okay, A.C., we kind of got ahead of you there. You've got a question about this.

MR. CARPENTER: Yes, Mr. Chairman. On Section 5.1.1.1 there is a list of compliance items that is still showing in mine, as well as on 5.1.1.4 there is an insert fishing year and some dates in 5.2.1 that I think we need to possibly do something with before we take final approval.

CHAIRMAN WOODWARD: Okay, that was just a little quality control check to see if you were really paying attention. That's the reason we really have these meetings that early, because I know some of you folks start fading after lunchtime so I figure if we get you early we can get our money's worth out of you.

All right, I guess we can table that motion for the time being and deal with the matter at hand, as A.C. has pointed out. And we do need to set a compliance report date; that's for sure. And we certainly want to do that. Okay, Nancy.

MS. WALLACE: Okay, as A.C. -- thank you very much, reminded us -- 5.1.1.1, the regulatory requirements, lists compliance items. From what the board has just made of the motion to not have any recreational fishery's management measures or commercial fishery management measures included in the amendment at this time, I would believe that there would be no compliance criteria but I would like to have the board have a discussion on that and possibly make a motion. Let me check on that.

CHAIRMAN WOODWARD: And I was called to task for not allowing you to vote to **table the motion** so, all those in favor of tabling the motion temporarily signify by saying aye. A.C.

MR. CARPENTER: While they're discussing that, this may be the place for that sentence that we, where we put in the comment that existing regulations should be, are encouraged to remain in place and that kind of thing. I think that's where it would fit.

CHAIRMAN WOODWARD: Under the 5.1.1.1?

MR. CARPENTER: Under the regulatory requirement section because we are, like Delaware and you, we already have creel limits at least.

CHAIRMAN WOODWARD: Okay, that's what we'll do. We'll put it in there.

MS. WALLACE: As Bob has just informed me, for the compliance criteria as long as there is general consensus among the board that there is no compliance criteria at this time in the amendment we don't need to make a motion, just have general consensus. For the implementation dates for the compliance reports due, we do need a motion for that and we'll get to that in a moment.

CHAIRMAN WOODWARD: Okay, we have the matter of compliance reporting dates. We do need to clarify that. We are going to also address this a little later on the agenda on red drum. We do have some issues there so.

MS. WALLACE: Okay, thank you, I just had to check something with Bob. The two dates that we need to talk about in Section 5.1.2 are the compliance schedule. The first date is the date that states must submit programs to implement any management plan in Amendment 1.

Since there is not really any criteria, compliance criteria, it probably won't be too difficult for the board to, for the states to do that.

The one thing that we will have is when the kind of triggers become effective and when the monitoring recommendations will become effective, all the things in the plan. A suggested date for that would be January 1<sup>st</sup>, 2006, and you can discuss that.

The second date is states with approved management programs must implement Amendment 1 and start to submit the compliance reports. And the suggested date from staff would be July 1<sup>st</sup>, 2006.

The reason for that, as we will go through in the red drum compliance reports, is that the red drum team is having some trouble getting them in any earlier because of MRFSS data and they have actually recommended that we move to a July 1 date for that. So, that would be the suggested date from staff.

CHAIRMAN WOODWARD: Okay, so we need to handle these two. We have a, I guess an implementation date and a compliance report date. We have a recommendation of January the 1<sup>st</sup> on the former and July 1<sup>st</sup> on the latter, both in 2006.

Can I get a **motion to that effect**? Louis Daniel. Do I have a second? Second, John Duren. Any discussion while we get it up here, while Toni wrestles with that, tries to figure out how to articulate that -- better than me I hope. A.C.

MR. CARPENTER: I'm confused again. Five point one point two has the place for three dates in it. The first one is the states must submit programs. The second one is states with approved management programs must begin implementing. And then the third is the reports on compliance. Are the second and third ones supposed to be July 1?

CHAIRMAN WOODWARD: I'm going to

let Bob see if he can extricate us out of this maze of dates here.

MR. ROBERT E. BEAL: A.C., the first date, actually I don't think we need in this program, given that the states don't have to go home and implement management measures. You know this program or this amendment sets up biological reference points and triggers and a number of things that if there are problems down the road with the croaker stock we can address those.

So I don't think the states necessarily need to submit a proposal to implement this program or this amendment. So I think what we need to do is just set a date for, similar to what is in this motion.

It doesn't fit into the three dates that are laid out here really well but we can work on that at the staff level. But we just need the dates of when the biological reference points and the triggers become effective which is suggested January 1 in this motion.

And then set need to set up an annual compliance reporting date. July 1 is suggested here for the first, you know, FMP or compliance report from the states and then, you know, each year subsequent to that on July 1 the annual report will be due from each state. So we can re-craft Section 5.1.2 to reflect that.

This language is kind of the boilerplate that we include in a lot of our amendments that if the states have to go home, propose something, get it approved by the technical committee, you know, and go through the normal steps that we have to do following an amendment approval.

CHAIRMAN WOODWARD: A.C.

MR. CARPENTER: Is the same going to be true for the law enforcement reporting year? Is that going to be taken care of by staff based on these two dates or do we have to include that?

MR. BEAL: Yes, we'll square that away as well.

CHAIRMAN WOODWARD: Okay, that was seconded by John Duren, to Toni. Is everybody clear on what we're doing here with this motion? Here's your time to ask questions. Robert.

MR. BOYLES: Bob, do I understand you correctly? Then you're not looking for states to submit anything by January 1 on this?

MR. BEAL: That's correct.

CHAIRMAN WOODWARD: Roy.

MR. MILLER: Mr. Chairman, just so I understand what would be required to be submitted, would you briefly summarize what would be required to be submitted on an annual basis once we select a date.

CHAIRMAN WOODWARD: I'm going to defer that to Nancy.

MS. WALLACE: ASMFC has standard compliance reports that each state sends in every year. What that would include would be: commercial and recreational landings data, any monitoring that the states are doing at the time that would interact with Atlantic croaker. Since we don't have any other compliance criteria it would be probably a pretty simple report. I'll ask Bob if he has any other thoughts on that.

CHAIRMAN WOODWARD: That's pretty straightforward. And as far as the January 1<sup>st</sup> date, that really just sort of sets the clock ticking for this plan. This is when the recommended measures in this plan go into effect. A.C.

MR. CARPENTER: If the plan goes into effect of January of '06, and the reports on compliance must be submitted on July 1<sup>st</sup> of '06 are we submitting on July 1<sup>st</sup> for the '05 fishing year before the plan goes into effect?

MR. BEAL: Yes, that's a good point. Usually the FMP, the state reports are for the previous fishing year so I guess you know the first full year that you could report on would be '06 so July 1<sup>st</sup>, 2007, would likely be your first reporting date.

CHAIRMAN WOODWARD: Okay, I guess we need a **friendly amendment** to the motion to that effect. Do we have a maker of that motion? Louis.

DR. DANIEL: That's fine.

CHAIRMAN WOODWARD: Okay, do we have a second?

UNIDENTIFIED: Second.

CHAIRMAN WOODWARD: Everybody in favor of the friendly amendment? Okay, by

consensus. **All right, so now we have a new motion. Move to adopt the implementation date of January 1<sup>st</sup>, 2006, and an annual compliance report date of July 1<sup>st</sup>, 2007 and each year thereafter.** Okay, any questions? Are we clear now? Thank you, A.C., for keeping us on track here.

MR. CARPENTER: That's why you pay me the big bucks.

CHAIRMAN WOODWARD: That's why you get paid the big bucks, that's right. If there are not any other questions, all those in favor of the motion signify by saying aye; opposed, nay; abstentions. **The motion carries.**

Okay, now we need a motion to move the other motion off the table, or I guess she tells me we can go back to the table so we're going to drag that one off the table. So now I'm going to read this again just for clarification.

**We have a motion to recommend to the full commission that they approve Amendment 1 to the Atlantic Croaker Fishery Management Plan as modified by the South Atlantic State/Federal Fishery Management Board.**

Any questions or comments? This is your last chance or forever hold your peace. I can see the finish line. Kind of like Sea Biscuit in that movie. You've got to look that other horse in the eye and then you can cross the finish line. So I think we're getting close.

With no other questions or comments, all those in favor of the motion signify by saying aye; opposed, nay; abstentions. **The motion carries.** Thank you very much and thank you, Nancy. Okay, one abstention from the National Marine Fisheries Service. We don't want Annie getting in any trouble, so.

All right, we'll move on to our next agenda item which is 2005 fishery management plan reviews. And just as a little aside I notice that we actually started the process of talking about amending this plan in 1994 so we did pretty good. We finally got there. If this was a bottle of wine it would have been well aged by now, so.

#### **2005 RED DRUM FMP REVIEW AND STATE COMPLIANCE REPORTS**

MS. WALLACE: Okay, thank you very much. Down to our kind of housekeeping business of what we do every year, the Red Drum FMP review

and compliance reports. I'll go through the red drum first and then the subsequent reports. Let me start with this one.

Okay, the status of the fishery management plan, Amendment 2 was adopted in 2002 and the primary objective was to achieve and maintain SPR at or above 40 percent.

The status of the stock, the last assessment was conducted in 2000. The escapement rates for the northern region were 18 percent. The escapement rates for the southern region were 15 percent. And the next ASMFC assessment will be conducted in 2008.

Status of the fishery, the coast-wide commercial landings in 2004 were approximately 54,736 pounds, the majority, 98.8 percent, from North Carolina. The lowest number of commercial landings ever recorded for red drum were this year, in 2004.

The recreational fishery, the recreational harvest in 2004 was 465,000 fish, 1.5 million pounds, and the majority of the rec harvest was from Florida, Georgia and South Carolina. And the number of red drum released in 2004 were 1.9 million fish. Here is a graph. You can see the recreational and commercial harvest of red drum.

Status of research and monitoring, fishery independent data is collected by North Carolina, South Carolina, Georgia and Florida and has been utilized in the stock assessments. Florida has extensive monitoring programs for red drum.

And in 2005 additional ACFCMA funds were delegated to North Carolina, South Carolina and Georgia to develop a sampling protocol to develop an adult index of abundance.

The status of the management measures, the approval of Amendment 2 in 2002 required states to implement an appropriate bag and size limit to attain the management goal of 40 percent SPR. All states in the management unit implemented a 27 total length maximum size limit and all states must maintain their current level of restrictions for the commercial fisheries.

The implementation of the FMP compliance requirements, all states have implemented the three compliance criteria in Amendment 2. The compliance reports were due on May 1<sup>st</sup>, 2005, and all states did submit those reports.

The compliance reports, the plan review team met by conference call and determined that all states meet the FMP requirements. New Jersey and Delaware have requested de minimis status which we do need a motion from the board to approve.

The plan review team recommends granting de minimis status to New Jersey and Delaware; however, they should still be required to meet the regulatory requirements and submit an annual compliance report.

The PRT recommendations -- this is what I alluded to before when I was speaking about croaker. The plan review team recommends changing the date which compliance reports are due to the ASMFC from May 1<sup>st</sup> to July 1<sup>st</sup> of each year.

This change would allow the MRFSS data to be more complete from the year before. And we would also have the research and monitoring requirements that the plan review team recommends in the document.

I spoke with Bob and Spud about this, the change to the compliance report due date, and they feel that we can go ahead and if the board agrees with this can make a motion today and that the next time we do an addendum or an amendment for red drum it would be included; however, starting in 2006 July 1<sup>st</sup> would be the new data for compliance reports. I believe that's the end of that.

CHAIRMAN WOODWARD: Thank you, Nancy. Any questions before we get into making the motions? John.

MR. JOHN DUREN: Spud, the assessment has been moved back to '09. I thought it was '07.

CHAIRMAN WOODWARD: Yes, that's kind of a moving target. I might let Bob address that. And Robert and I talked about that a little bit last night about some other options we might need to explore for doing an assessment a little earlier in the schedule to help some of the states out. Nancy.

MS. WALLACE: Actually, originally it was 2008 and the reason behind that was because implementation for red drum didn't occur until 2003. The last plan requirements came into effect in 2003.

And the board decided at that time I think -- or it was the stock assessment committee -- that five years after implementation would be the right time to reassess the stock assessment. I haven't heard the 2009 number, though, so that I would ask Bob. He'll

look.

CHAIRMAN WOODWARD: Yes, and I remember from, that the rationale behind that was that we would allow at least one cohort to have been fully protected through escapement before we did another assessment.

MS. WALLACE: I'm getting the sign from the back of the room that it is still 2008 on our schedule.

CHAIRMAN WOODWARD: Okay, does that make you feel a little better, 2008?

MR. DUREN: Not a lot.

CHAIRMAN WOODWARD: Well, that's all right, we still need to talk about some other options.

MR. DUREN: We'll look at that.

CHAIRMAN WOODWARD: So we'll see. Okay, we have a request from Delaware and New Jersey for de minimis status. I'll entertain a motion to that effect. Robert.

MR. BOYLES: Mr. Chairman, thank you, I'd make the **motion that the South Atlantic Board approve de minimis status for Delaware and New Jersey.**

CHAIRMAN WOODWARD: Do I have a second to the motion? Erling Berg seconded the motion. Any discussion on the motion while they get it up there? Louis.

DR. DANIEL: Yes, Spud, is that with the caveats from the PRT?

CHAIRMAN WOODWARD: That's my understanding, it is with the caveats from the PRT. It's a conditional de minimis if there is any such thing I guess. Okay, the motion is to approve de minimis status for Delaware and New Jersey. They will still be required to submit a compliance report.

Any questions or comments? Questions? If not, all those in favor of the motion as stated signify by saying aye; opposed, nay; abstentions; National Marine Fisheries Service, one abstention. **The motion carries.**

Okay, I would also entertain a motion to approve moving the compliance report date from May 1<sup>st</sup> to

July 1<sup>st</sup> as an interim step and then we will formalize it the next time we do an addendum or an amendment to the plan. Can I have a motion to that effect? Robert Boyles.

MR. BOYLES: Yes, sir, Mr. Chairman, **so moved.**

CHAIRMAN WOODWARD: Second. A.C. Carpenter. Any questions? If not, all those in favor of the motion signify by saying aye; opposed, nay; abstentions; one. Thank you. The motion carries, yes. At last but not least I need a **motion to approve the FMP review as presented.** Can I have that motion? A.C. Second? Ed Goldman.

Any questions or comments? The motion is to accept the Red Drum Fishery Management Plan review. All those in favor of the motion signify by saying aye; opposed, nay; abstentions; one. All right, Nancy. **The motion carries.**

MS. WALLACE: Once we finish getting the motion up we'll move into the Spot FMP review. Okay, status of the FMP -- oh, Louis has something.

CHAIRMAN WOODWARD: Louis.

DR. DANIEL: Spud, before we move into spot, is there any update on the transfer of the plan?

CHAIRMAN WOODWARD: Anne, would you like to talk about that perennial topic?

MS. ANNE LANGE: Certainly, Mr. Chairman. As many of you are probably aware, Pete Eldridge who was the lead person in the Southeast Region drafting the transfer retired a couple of months ago.

They now have a new person and I forget her name -- I'm sorry -- who has taken over that responsibility. Tom Meyer on my staff continues to support that effort as far as helping with the drafting of the regulatory language and Federal Register notices and that type of thing.

I don't have a timeline on it but I've been assured by Buck Sutter in the Southeast Region that they are moving forward with it again. And the new person is getting up to speed on the issue. So hopefully it will be sometime in the near future.

CHAIRMAN WOODWARD: Okay, all right, Nancy, I'm going to turn it over to you.

## 2005 SPOT FMP REVIEW

MS. WALLACE: Status of the FMP, the FMP for spot was adopted in 1987 and includes the states from Delaware through Florida. The ISFMP Policy Board adopted the finding that the FMP does not contain any management measures states are required to implement.

The status of the stock, except for Virginia there are no specific stock status surveys for spot. It's a major component of samples in the generalized trawl and seine surveys. The Maryland juvenile seine survey showed low levels in 2003. The VIMS showed low abundance of young of the year since 1992 and the North Carolina Pamlico Sound Survey has remained stable since 1979.

This is, commercial fishery's landings, this is something that we're going to have in every single one of these FMP reviews and it's something that the board may want to take up. The commercial fishery landings from the National Marine Fisheries Service are still unavailable for 2004.

I checked them last week and they're still not, were not up. So if the board does decide to accept this report, it will be with the condition that the commercial fishery's landings will be updated when they become available.

We were in the same situation at the annual meeting last year and I'm hoping that we're not in the same situation every year for the commercial fishery's landings so it's something that the board may need to address with the National Marine Fisheries Service.

The recreational fishery, the recreational landings in 2004 were 8.5 million fish which were 4.1 million pounds and 3.1 million fish were released alive in 2004. Here is a graph. You can see the recreational harvest and releases of spot.

Status of assessment advice, a formal stock assessment of spot has not been conducted. Spot life history information and fisheries data have been localized and conducted at different levels of population abundance.

Fishery independent data is collected by SEAMAP. We have recruitment indices from Delaware, Maryland, Virginia, North Carolina, and Florida. North Carolina ages 400-500 spot to produce annual age length keys. We have the CHESMAP and the CHES-VIMS surveys as well.

Status of management measures, the last, in the 1987 FMP it says to promote the development and use of bycatch reduction devices through demonstration, application in the trawl fisheries and promote increases in yield per recruit through delaying entry to spot fisheries Age 1 or older.

And there are no compliance requirements in the FMP. And the plan review team recommendations are to develop an amended Spot FMP with objective compliance criteria and to continue the research and monitoring recommendations that are in the plan. That's it.

CHAIRMAN WOODWARD: Okay, thank you for that presentation. Any questions or comments about the? Anne.

MS. LANGE: I have a question relative to the data and you indicated this is something that is going to come up in each of the remaining reviews, what is the status of input to ACCSP rather than just the NMFS data?

I mean what we're all going toward is to have all the data go directly into ACCSP, I assume, so it wouldn't be just a NMFS data concern. I mean, is there movement on that in the Southeast?

MR. BEAL: Sure, I can give you a quick comment. You know the states up and down the coast have implemented ACCSP to varying degrees. I don't think all the states from, you know, throughout the range of spot or any of the remaining species are fully up to speed yet on ACCSP reporting and getting their landings into that database.

So as of yet I don't think it's, the landings data for these species are available through that system but states are moving in that direction and it should be a remedy to this issue.

CHAIRMAN WOODWARD: Okay, any questions about the Spot FMP review? Comments? If not, I'll entertain a motion to approve the review as presented, except -- A.C.

MR. CARPETNER: I've got a question. I think the last point that you made was that the plan review team recommends the development of an amendment. And I'm -- are we ready to tackle another amendment? I mean, because this one only took us ten years or so. Is there any real need for an amendment to this plan?

CHAIRMAN WOODWARD: Louis, to that

point.

DR. DANIEL: I think, yes, I think it's an important one, though, and I think it kind of gets down to the priorities for the board. I mean we've got red drum and Atlantic croaker now that they're having compliance with ACFCMA.

And we've got spot, spotted seatrout and Spanish mackerel that aren't. But I think your question is a good one. I think that's something that we need to decide as the board, do we want to bring all of our FMPs into compliance with the legislation?

CHAIRMAN WOODWARD: And at the risk of getting a little ahead in the agenda, obviously that's something we need to talk about under our priorities as well as I think it's healthy to periodically just revisit the species that we are, you know, we do have under our purview, you know in light of current knowledge and current information, but.

And my perspective is we can accept the review as it is and then we have to apply the reality check to that part of the recommendation as far as the work schedule and what is reasonable. Louis.

DR. DANIEL: And from my perspective and coming from a state where we have collected a lot of information on spot, we're seeing, we see one and two year old fish. It's essentially an annual crop.

So certainly if I had to pick one of the three, it wouldn't be spot. That would be the last one on my list just because I think management measures are going to have very little impact on an annual crop like spot. So I would **move that we accept the Spot FMP review with that caveat.**

CHAIRMAN WOODWARD: Okay, we have a motion. Do we have a second? A.C. Does everybody understand we are moving to accept the Spot FMP review, recognizing that we need to consider the PRT's recommendation for an amendment to the Spot Plan in the context of our other demands and priorities.

Okay, if there are not any other questions, all those in favor of the motion signify by saying aye; opposed, nay; abstentions; one. **The motion carries.** All right, Nancy.

## 2005 SPOTTED SEATROUT FMP REVIEW

MS. WALLACE: Okay, the next FMP review to go through is spotted seatrout. Status of the

FMP, the FMP for spotted seatrout was adopted in 1984. It includes the states from Maryland through Florida and Amendment 1 was approved in 1991.

Status of the stock, again, there is no coast-wide assessment of spotted seatrout. The most recent which were 2001 estimates from Florida was SPR at 57 percent in the Northeast and 33 percent in the Southeast.

I think that's the only state we have status for that is coming in to our plan review teams. Again, the commercial landings for 2004 were not included in this report and will be included as soon as they become available.

The recreational fishery, the landings in 2004 were 1.2 million fish, 1.5 million pounds, which was a slight increase from the previous two years and 3.48 million fish were released alive in 2004. Here is a graph of the spotted seatrout recreational harvest and releases.

Status of assessment advice, formal stock assessment of spotted seatrout has not been conducted but Florida, South Carolina, and Georgia have conducted VPAs on local spotted seatrout stocks. Research and monitoring, North Carolina, South Carolina, Georgia and Florida all have various research and monitoring programs in their states for spotted seatrout.

And the status of management measures, all states with a declared interest have established a minimum size limit of 12 inches and many states have implemented bag and size limits that are more conservative than Amendment 1 requires.

Implementation of FMP compliance requirements, all states required to implement the minimum size limit of 12 inches have done so.

And the PRT recommendations, develop an amendment spotted seatrout amendment with objective compliance criteria, collection of commercial and recreational landings data should continue with emphasis on effort data, develop methodologies to monitor stock status, and the rest of the research recommendations are in the FMP review.

CHAIRMAN WOODWARD: Okay, thank you, Nancy. Questions. Comments. I'll entertain a motion to accept the Spotted Seatrout FMP review. A.C.

MR. CARPENTER: I'LL **move to accept**

**the Spotted Seatrout review with the same caveat on the order of development of the amendment we had under the spot.**

CHAIRMAN WOODWARD: Okay, do I have a second to the motion? John Frampton seconded the motion. Any discussion, comments, questions? If not, all those in favor of the motion signify by saying aye; opposed, nay; abstentions; one. **The motion carries.** All right.

## **2005 SPANISH MACKEREL FMP REVIEW**

MS. WALLACE: Okay, the next FMP review that we'll go through is Spanish mackerel. The status of the FMP, the FMP for Spanish mackerel was adopted in 1990 and includes the states from New York through Florida.

The goal is to complement federal management in state waters to conserve the resource throughout its range and to achieve compatible management among the states that harvest Spanish mackerel.

In 2003 the MSAP conducted a full assessment and F has been below Fmsy and FOY since 1995. Stock abundance has increased steadily since 1995 and is now at a high for the analysis period with the terminal year I think in 2002. The stock is not overfished and overfishing is not occurring as of the last stock assessment which was in 2003.

Commercial landings for 2004 are not available. The recreational fishing, recreational landings in 2004 were approximately 1 million fish, 1.6 million pounds which was a slight decrease from the previous four years.

North Carolina and Florida account for the majority of the recreational landings. And 468,884 million fish were released alive in 2004. Here is a graph of the recreational harvest and releases for Spanish mackerel.

Status of assessment advice, the MSAP conducted a quantitative assessment in May 2003 and I believe it was on an every two year cycle to update the Spanish mackerel assessment, but I think it was put off this year by the South Atlantic Council because of some other priorities and I'll let Louis talk about that later. And there was no new advice at this time.

NMFS continues to monitor length and weight at age and size frequencies, fishing mortality, migration, collect age data, CPUE, monitor shrimp bycatch, investigate methods to predict year class strength,

calculate estimates of recruitment and develop conservation gear to reduce bycatch.

Status of management measures, in June of 2003 the South Atlantic Fishery Management Council voted to defer action until after the next stock assessment which has not happened at this point so the total allowable catch continues to be 7.04 million pounds and the TAC is allocated on a 55/45 basis between the commercial and recreational fishery.

All states with a declared interest have achieved full regulatory compliance with the plan and states have implemented a series of bag and size limits, commercial trip limits, and/or provisions for seasonal closures. The recreational limit was increased to 15 fish in 2000.

The PRT recommendations, states with commercial fisheries north of Florida should maintain the trip limits specified in the council FMP and the research and monitoring requirements are in the document.

CHAIRMAN WOODWARD: Thank you, Nancy. I'll entertain a **motion to accept the Spanish Mackerel FMP review** from the board. Somebody. A.C. Do I have a second to the motion? Our new commissioner from South Carolina, thank you. Okay, Malcolm Rhodes.

So we have a motion to accept the Spanish Mackerel FMP review as presented. Any questions, comments? All those in favor of the motion signify by saying aye; opposed, nay; abstentions; one. **The motion carries.** All right, Nancy.

#### **2005 ATLANTIC CROAKER FMP REVIEW**

MS. WALLACE: Okay, last one, Atlantic Croaker FMP review. This is the 2005 FMP review which goes through 2004 so obviously next year this will change substantially. In 1987 the FMP was adopted and includes states from Maryland through Florida. Amendment 1 has now been finalized.

Status of the stock, the latest stock assessment was completed in 2004 and peer reviewed in the SEDAR process. The Mid-Atlantic region is not overfished and overfishing is not occurring. The South Atlantic region is unknown.

Commercial landings we will update when we have the information. The recreational fishery, the landings in 2004 were 10.8 million fish, 8.7 million pounds, and the majority of the landings were from Virginia. Eight point seven million fish were

released alive. Here is a graph of Atlantic croaker recreational harvest and releases.

Status of the assessment advice, 2004 stock assessment was approved for use in management. And the next scheduled peer reviewed stock assessment will be in 2009 unless there are some triggers set that the technical committee feels a stock assessment is needed earlier.

Status of research and monitoring, fishery independent data is from SEAMAP. We have recruitment indices from juvenile surveys in Delaware, Maryland, Virginia, North Carolina and Florida and we have the fishery dependent data from the National Marine Fisheries Service, fishery dependent data.

Status of management measures, the PRT recommends collect movement data from the south region, including tagging information, collect bycatch and discard estimates from the commercial and recreational fisheries and characterize the scrap fishery, standardize the aging procedures and develop a coast-wide or regional CPUE index, all things I think Rob talked about earlier.

And right now there are no regulatory compliance requirements in the 1987 FMP but starting I guess in 2007 we'll start getting our compliance reports for Atlantic croaker. PRT recommendations, develop an amendment -- well, that's done -- and research and monitoring requirements. There we go.

CHAIRMAN WOODWARD: Okay, I think you know what I need by now. Robert.

MR. BOYLES: Mr. Chairman, thank you. I **move to accept the Croaker Fishery Management Plan review as presented.**

CHAIRMAN WOODWARD: Do I have a second? Ed Goldman. Okay, I have a motion to accept the Atlantic Croaker FMP review as presented. All those in favor of the motion signify by saying aye; opposed, nay; abstentions; one. **The motion carries.** All right, Mr. Beal, I'm going to turn it over to you.

#### **UPDATE ON RED DRUM RESEARCH**

MR. BEAL: All right, thank you, Mr. Chairman. Just a quick update on the red drum research. At the last meeting of this board I think I updated on the progress of allocating some of the additional Atlantic Coast Act funds to some studies

on the red drum population.

The good news is all the paperwork has been submitted and approved by the National Marine Fisheries Service so we now have access to that money. We also met all the NEPA requirements or fulfilled them I guess is probably the best way to put it so the bottom line is we're in pretty good shape to get started on these projects.

What we have to do now is turn around, now that we have the money in-house, at the commission, we have to turn that money around and develop contracts with the individual states of North Carolina, South Carolina and Georgia that will be doing the red drum long line research.

Some of the states are actually in shape to get going on the research this year so we're going to try to help facilitate that if we can. And so I think that's a brief update. I can answer any questions but I think it's all good news and we're up and running on that program.

#### **SOUTH ATLANTIC BOARD PRIOTIES FOR 2006**

CHAIRMAN WOODWARD: All right, thank you, Bob. Anybody got any questions for Bob? All right, it has been a long time coming but I think we're getting close to that as well. All right, our next agenda item, we're running out of time but briefly I just wanted to have a discussion about our board priorities for next year.

I'll lead that discussion off by saying that one of the things I would like for us to do next year is maybe devote a little bit of our attention to some of the progress that has been made in the use of hatchery reared fish to supplement marine fish populations.

What I'd like to do is maybe we don't know how many meetings we'll have next year; I'm assuming we'll at least have a couple, maybe one in February and then another meeting at the annual meeting in North Carolina.

But what I'd like to do, if it's the pleasure of the board, is invite some of the folks that have been doing the hands-on research on red drum stocking and some of the other species around the southeast and let them come in and give us some presentations, just sort of bring us up to speed on where are we now? What have we learned? Where are the information deficiencies? What's going on? How are we doing this? And just give us some perspective.

I'm assuming that a lot of you probably received this publication from the AFS. It's titled, "Considerations for the use of propagated fishes in resource management." I participated in this workshop out in San Antonio a couple years ago.

And it's a very informative document and it really gets to the heart of the matter which is the struggles we face when trying to make decisions about when do we make a prescription of a hatchery-reared fish for a resource issue.

And it's obviously a very complicated and divisive topic but I think it's something that needs our attention because the public, obviously, sees stocking fish in a completely different perspective than we do as fishery management professionals and policy makers.

But I think it's something that we need to move forward on. And if it is the pleasure of the board it's something that I would like to do next year. And I'll certainly entertain any questions or comments about that and certainly any suggestions for other topics that we need to get into. Louis.

DR. DANIEL: Well, I certainly support that approach, Spud, and think it's probably reasonable for us to move forward. I just would be curious to get Bob's response to the need to move forward with updates to the spot, spotted seatrout and Spanish mackerel FMPs and whether that needs to be something on our radar screen or because of the fact that Spanish is South Atlantic managed and everyone is in compliance, spot tends to be more of an annual crop, and spotted seatrout from discussions at this board for years has been, you know, that's a state level issue and we really don't need to move forward with a spotted seatrout plan. But your views on that would be helpful.

MR. BEAL: I think, you know, this board has had a number of very good reasons for not starting amendments on those three species in particular. And the reasons you listed are important ones.

And I think the other workload issues that you've been dealing with, red drum and croaker and kind of going sequentially through these species. You know this board and the commission is under no obligation to update those documents at this time.

But if this group foresees management issues coming down the road that you want to deal with or if you

want to set up or this board foresees a need to set up triggers and biological reference points similar to what you've just done on croaker, then you can go ahead and kick off a new amendment on any one of those species.

Usually, a new amendment is started by a peer reviewed stock assessment so -- and I'm not, some of these species there are some data holes that may need to be addressed. I don't know if we can necessarily put together a really robust stock assessment on some of those species but it's really up to the priorities of this board.

If you want to kick off a stock assessment and get a peer review and everything involved with it on any of those species, we can roll that into the priorities for '06 or later and we'll get moving.

CHAIRMAN WOODWARD: Here is my suggestion. Maybe at a meeting in February we could get into this a little more in depth, sort of bring the board up to speed on where we are with these species.

There are some new board members that don't know the history of how we got to actually having FMPs on some of these species and maybe it would be a good time to just be a little retrospective and look back at it.

Why are we where we are? Where do we need to go? Instead of trying to obviously force a decision on that now in this short period of time. So, if that's, you know, if everybody is agreeable with that. Anne.

MS. LANGE: Well, I just have a comment relative to the Atlantic Coastal Act funding. If there are projects, additional projects from this board's perspective -- I'm not sure how the commission was planning on going forward with their discussions on how to use the additional two million, assuming that Congress leaves it in there with all the other rescission issues -- but it would be very helpful to us and to the states if there are additional proposals that they come in as quickly as possible.

And I don't know again if this board is participating in beyond the current funding for red drum projects if there are additional studies that would be using 2006 funds but those proposals should be pulled together quickly if so.

CHAIRMAN WOODWARD: And when you say "quickly" what do you mean by quickly? Do you mean federal government quickly or state

government quickly or real life quickly?

MS. LANGE: Well, real life quickly. But, again, part of the problem was last year that the decisions made by the commission as a whole on how those additional funds were used weren't made until April or May which puts them at the end of the pool for the processing of grants.

So if this board is participating in any of those proposals it would be good to, or the states here, it would be good to try to get something in by the end of the year -- to be added on to your individual state proposals, actually, would be the best if they're additions so they're included in that initial review process.

CHAIRMAN WOODWARD: Okay, that sounds like a bushel basket of complexity there that we need to, and I don't think we can handle it right now but, Bob, you've got an insight on that?

MR. BEAL: Yes, you know the Administrative Oversight Committee is actually meeting right now discussing how they want to allocate the additional \$2 million if it becomes available for the following years and that's all, you know, and what are the priority projects and everything that goes along with it.

As it stands now the five areas that were priorities for last year or I guess this calendar year are the same five priorities that were used in 2006. But those can be modified. It's a flexible situation and we can pick new projects if the need is there.

CHAIRMAN WOODWARD: Good point that you made, Anne. A.C.

MR. CARPENTER: If we can go back to your recommendation regarding the stocking issue, I would fully support it; but I'm wondering if it should be elevated to the Policy Board since it's going to impact more than just this board.

It really is a coast-wide issue and either that or we would act as the focus for it and invite the other members in whenever we're having the meeting that, for that presentation.

CHAIRMAN WOODWARD: Yes, I think the latter there would probably be my preference, obviously, just to sort of stick our toe in the water and then we'll see just how deep we really do want to go into this.

Okay, well, if there are no other discussions about

priorities we will plan on having a February meeting and we can get into a little bit more of this in February. And I will probably try to invite someone to attend that meeting to talk about a stock enhancement topic. So, under other business, Robert.

#### OTHER BUSINESS

MR. BOYLES: Mr. Chairman, thank you. Just briefly I'd like to introduce Dr. Malcolm Rhodes who is the new governor's appointment from South Carolina. We got word that Dr. Rhodes was appointed just a couple weeks ago so we're thrilled that he was able to join us. I want to introduce him to the rest of the board.

CHAIRMAN WOODWARD: Well, welcome. We appreciate your being here and getting up early to join us and you will find out that this board operates fundamentally different than a lot of other boards -- but in a positive manner I hope. But we look forward to working with you. Okay, Louis.

DR. DANIEL: And following in Robert's I'd like to introduce William Wainwright, Representative William Wainwright, from North Carolina, then new legislative appointee. We're very excited to have William joining our North Carolina team.

CHAIRMAN WOODWARD: Outstanding. Welcome to you, too. We appreciate you being here and we notice that you sat about as far away from Louis as you possibly could. I don't know whether that was intentional or accidental but it probably worked out good however it happened.

But, thank you for coming and we look forward to working with you as well. One other little piece of other business. At our last meeting we discussed the bridge net surveys that have been ongoing for several years and the fact that they're at risk of stopping.

And I kind of dropped the ball and never went to the Policy Board with a recommendation that the commission go on record supporting the continuation of those so if it's the general consensus of the board I'd like to do that.

Joe Grist has given me some bits and pieces of information that I think I can help articulate to the Policy Board that this is an important source of information and it will help supplement the other types of information we use in stock assessments.

So, if there is a general consensus with that that's

what I'll do. Any other business to come before the South Atlantic Board? If not I will entertain a motion to adjourn. A.C., I can count on you. A second from John Frampton. Thank you all very much.

#### ADJOURNMENT

(Whereupon, the South Atlantic State-Federal Fisheries Management Board adjourned on Tuesday, November 1, 2005, at 9:40 o'clock, a.m.)

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